C.S.100/— SINGLE BENCH

(3)

1.

IN THE HIGH COURT OF JUDICATURE AT BILAPUR

WRIT PETITION NO.1769 of 2006

PETITIONER: R.R.DWANGAN 46 YEARS, SON OF SHRI D.R.DWANGAN, PRESENTLY POSTED AS SUB ENGINEER WATER RESOURCES DIVISION DHARAMJAYGARH DISTT. RAIGARH (C.G.)

M.P. No. ... Presented by Shri ... dated 31/12/06 18/12/06

VERSUS

RESPONDENTS: 1. STATE OF CHHATTISGARH Through Secretary water resources Department D.K.S.Bhawan Mantralaya Raipur (C.G.)

पक्ष वकील एस.के. शुक्ला बिलासपुर (छ.ग.) बिलासपुर तहसील कोर्ट

2. Secretary water resources Department D.K.S.Bhawan Mantralaya Raipur (C.G.)

RECEIVED-COPY 3/4/06 CLERK to A. G. BILASPUR

3. ENGINEER-IN- CHIEF Water resources Department Raipur (C.G.)

(4)

2

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC OR DIRECTION(S) / ORDER(S) IN THE LIKE NATURE ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-7-2006

W.P.Nos.1103/2006, 934/2006, 937/2006, 972/2006, 980/2006, 985/2006, 1046/2006, 1051/2006, 1077/2006, 1090/2006, 1099/2006, 1101/2006, 1102/2006, 1112/2006, 1114/2006, 1121/2006, 1122/2006, 1123/2006, 1124/2006, 1125/2006, 1129/2006, 1132/2006, 1143/2006, 1144/2006, 1145/2006, 1158/2006, 1159/2006, 1160/2006, 1161/2006, 1162/2006, 1183/2006, 1184/2006, 1185/2006, 1186/2006, 1187/2006, 1188/2006, 1189/2006, 1193/2006, 1194/2006, 1195/2006, 1263/2006, 1278/2006, 1279/2006, 1280/2006, 1281/2006, 1282/2006, 1324/2006, 1364/2006, 1378/2006, 1399/2006, 1401/2006, 1526/2006, 1535/2006, 1627/2006, 1733/2006, 1769/2006, 1780/2006, 1811/2006, 1813/2006, 1847/2006, 1963/2006, 1977/2006, 2028/2006, 2029/2006, 2131/2006, 2245/2006, 2256/2006, 2425/2006, 2428/2006 & 2660/2006.

Petitioners by Shri Kanak Tiwari & Dr. N.K. Shukla, Senior Advocates with Shri Rajesh Pandey, Shri Manoj Paranjpe, Shri Jitendra Pali, Shri Vinay Pandey, Shri Anup Mazumdar, Shri Dilip Dubey, Shri Vishnu Koshta, Shri J.A. Lohani, Shri Vivek Kumar Shrivastava, Shri Uttam Pandey, Shri Shailendra Dubey, Shri Maneesh Sharma, Shri Praveen Das, Shri Ayaz Naved, Shri R.K. Kesharwani, Shri R.S. Shrivastava, Shri P.R. Patankar, Shri Arun Kumar Shukla.

State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate.

Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

75

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.

Heard.

By these writ petitions, the petitioners, who are Sub Engineers in Water Resources Department and have been transferred/appointed/sent on deputation in Panchayat & Rural Development Department vide orders dated 17-2-2006 and 8/10-2-2006, have challenged these orders.

At the outset, Shri Pramod Verma & Shri V.V.S. Murthy made a statement before the Court that if the impugned orders dated 17-2-2006 and 8/10-2-2006 are quashed in respect of the petitioners who have filed petitions before this Court, they have no objection, as the Government is contemplating some other arrangements.

Shri Kanak Tiwari, learned Senior Advocate, submitted that a copy of the affidavit along with Minutes of Meeting dated 6-7-2006 has been filed, therefore, there is every apprehension that the respondents may likely to pass orders under that scheme in respect of the petitioners and it will affect the petitioners' interest. Therefore, he wants to file a counter affidavit.

The prayer of learned Senior Advocate Shri Kanak Tiwari cannot be acceded, for the reason that in these writ petitions, the petitioners have questioned the legality and correctness of the orders dated 17-2-2006 and 8/10-2-2006 and moreover, the so called guidelines prepared vide Minutes

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

dated 6-7-2006 are not the subject matter in these writ petitions and the respondents have not passed any order under those guidelines, so far. As such, the prayer made by Shri Kanak Tiwari is rejected.

In view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the orders dated 17-2-2006 and 8/10-2-2006 mentioned above are quashed in respect of the petitioners and their writ petitions are allowed.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.